IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.41326 of 2008
RAJIV KUMAR
Versus
STATE OF BIHAR
---

3. 14.11.2008 Heard Sri Birendra Singh, Advocate for the petitioner and the learned A.P.P. for the State.

The petition is not maintainable simply because that the petitioner enjoy the privilege of anticipatory bail till submission of the chargesheet whereafter he has to approach the Court of Magistrate for regular bail. I believe that the petitioner shall have to do it at the earliest point of time. But what the lower court is to do is to keep in its mind that mere Section of an offence or an enactment may not be sufficient for remanding a person to custody unless the allegations require it. In a case in which an accused could be on bail, mere filing of a chargesheet may also be sufficient for cancellation of bail. If he has enjoyed the privilege for a sufficient period of time, in that case the principles of cancellation of bail shall have to be applied. I believe that the court below will dispose of the same without any prejudice.

(Dharnidhar Jha, J.)

B.Kr.

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